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July 3, 2014

VIA ECF

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Courtroom 17B
New York, NY 10007-1312

**Re: *In re Longwei Petroleum Investment Holding Limited Securities Litigation*,
No: 1:13-cv-00214-RMB**

Dear Judge Berman:

We represent Lead Plaintiffs Paul Love, Fabio Benedetto Lupis, and Chris Wilson in the above referenced securities class action. I write, pursuant to the Court's Individual Practice Rule 2.A. and Local Rule 37.2, to request that the Court conduct a pre-motion conference during the status conference scheduled for Thursday, July 10, 2014 at 9:00 a.m.

The pre-motion conference is in anticipation of Lead Plaintiffs' Rule 37 Motion to compel discovery from Individual Defendants Michael Toups, the former Chief Financial Officer of Defendant Longwei Petroleum Investment Holding Limited ("Longwei"), Gerald DeCiccio, and Douglas Cole, both former directors and members of Longwei's Compensation, Nominating and Audit Committees.¹ After Judge Baer denied the Defendants' Motions to Dismiss on

¹ Plaintiffs obtained default judgments against the remaining individual defendants, Cai Yongjun, former Chief Executive Officer, Xue Yongping, former director and treasurer, and Dora Dong, former director and member of Compensation, Nominating and Audit Committees, as well as Longwei for failing to appear and/or respond to the complaint. *See* ECF Nos. 135, 166.



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January 27, 2014,² Lead Plaintiffs have endeavored to obtain discovery from the Individual Defendants. On March 28, 2014, Lead Plaintiffs propounded Interrogatories and Requests for Production. On May 1, 2014, the Individual Defendants objected to the document requests and the interrogatories in their entirety on the grounds, among others, that discovery should be bifurcated into class certification and merits discovery—notwithstanding the Court’s existing scheduling order to the contrary. That same day, the Individual Defendants asked the Court to bifurcate discovery, which was denied by Judge Baer on May 15, 2014. Since then, Lead Plaintiffs’ efforts to discuss the outstanding discovery requests to determine a date for production have been ignored. I am enclosing copies of the relevant correspondence. To date, the Individual Defendants have not produced a single document, a single interrogatory answer, or a privilege log of the information to be withheld.

In light of the amount of time that has passed and the failure of the Individual Defendants to provide any responsive information or indicate when such response would be forthcoming, Lead Plaintiffs have no choice but to seek to compel the Individual Defendants to respond to all outstanding discovery requests.

Respectfully,

A handwritten signature in blue ink that reads 'RW Gonnello'.

Richard W. Gonnello

RWG:ms
Enclosures (3)
cc: All Counsel (via ECF)

² Defendants Anderson Bradshaw, PLLC, and Child, Van Wagoner and Bradshaw, PLLC have moved for reconsideration of the Court’s order denying their motion to dismiss. *See* ECF No. 152.

Subject: Longwei Petroleum

Date: Monday, June 9, 2014 at 5:16:56 PM Eastern Daylight Time

From: Richard W. Gonnello

To: David P. Nemecek

CC: Megan Sullivan

David,

Please see the attached correspondence. Let me know if you would like to discuss further.

Regards,

Rich



Richard W. Gonnello ■ Partner ■ Faruqi & Faruqi, LLP ■ 369 Lexington Avenue, 10th Floor ■ New York, NY 10017 ■ (T) 212 983 9330 ■ (F) 212 983 9331 ■ www.faruqilaw.com

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NEW YORK

CALIFORNIA

DELAWARE

PENNSYLVANIA

June 9, 2014

VIA EMAIL AND U.S. MAIL

David Nemecek, Esq.
Qian & Nemecek LLP
600 California Street, 9th Floor
San Francisco, CA 94108

**Re: *In re Longwei Petroleum Investment Holding Limited Securities Litigation*,
No: 1:13-cv-00214-HB**

Dear Mr. Nemecek:

This letter serves to follow up on our telephone call on Friday, June 6, 2014 concerning the discovery responses served by Michael Toups, Gerald DeCiccio, and Douglas Cole (the "Individual Defendants").

Lead Plaintiffs served document requests and interrogatories on March 28, 2014. We have yet to receive a single document, a single answer, or so much as a privilege log. While we recognize that you belatedly requested Judge Baer to bifurcate fact and class discovery, he denied your request on May 15, 2014. Based on our discussion on Friday, you have yet to start reviewing the documents in your possession. This is completely unacceptable and demonstrates the Individual Defendants' bad faith, including a lack of a good faith basis to assert the blanket objections that they lodged.

While we wait for the case to be reassigned to a new judge due to Judge Baer's untimely passing, we strongly urge you to provide adequate responses, as we intend to raise these issues with the Court once the case is reassigned.

Sincerely,

A handwritten signature in blue ink that reads "RW Gonnello".

Richard W. Gonnello

RWG:ms

Subject: Longwei Petroleum

Date: Thursday, June 19, 2014 at 5:24:20 PM Eastern Daylight Time

From: Richard W. Gonnello

To: David P. Nemecek

CC: Megan Sullivan

David,

We have yet to receive responses to our discovery requests, including a privilege log. When do you anticipate providing them?

Regards,

Rich Gonnello



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